

### **REMARKS**

Claims 1-6, 12-27, 37-40, 43 and 44 are presently pending in this case. In this amendment, Applicants have canceled claims 1, 7-11, 28-36, and 41-43..

### **CLAIM OBJECTIONS**

Claim 2 has been amended to expand the abbreviation GLUT4V85M to recite a “glucose transporter 4 with valine at position 85 substituted with methionine” at its first appearance in the listing of the claims. With regards to the abbreviation “Erg4” and “Fgy1”, Applicants submit that this is not an abbreviation but the names of proteins that those skilled in the art understand and that no further expansion of these terms is necessary in the claims. Claim 12 has been amended to proper English grammar. Claim 43 has been canceled as it reads on claim 13.

### **CLAIM REJECTION UNDER 35 USC § 112, SECOND PARAGRAPH**

Claims 12, 13-15 and 17 have been amended as suggested by the Examiner. Claim 43 has been canceled. Claims 39, 40 and 44 have been amended to correct the dependency. Applicants submit that by entry of the above amendments, this rejection has been overcome. Notice to that effect is respectfully requested.

### **CLAIM REJECTION UNDER 35 USC § 112, FIRST PARAGRAPH**

Claims 13, 15, 24 and 43-44 have been rejected because the invention appears to employ novel host cells transformed with novel vectors which are not enabled because they are not fully disclosed. The Office Action states that the enablement requirement under this section may be satisfied by a deposit of the plasmids and host cells that are transformed using said plasmids. As stated in the amended specification on page 4, the claimed plasmids and host cells have been deposited with the DSMZ (Deutsche Sammlung von Mikroorganismen und Zellkulturen GmbH,

Mascheroder Weg 1b, D-38124 Braunschweig Germany , an International Depository Authority (IDA) as established under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, on September 10, 2002.

Claims 1, 4, 6, 12-15, 22, 25 and 43 are rejected under this section because the specification while being enabling for isolated SEQ ID NO:1 encoding protein SEQ ID NO:2 and vectors and host cells containing same, does not enable all the polynucleotides and proteins that the above claims cover.

Applicants have amended the claims to cover the isolated SEQ ID NO:1 encoding protein SEQ ID NO:2 and vectors and host cells containing same. It is submitted that this rejection has been overcome and notice to that effect is respectfully requested.

**CLAIM REJECTION UNDER 35 USC § 102(b)**

Applicants have amended the claims by entry of this amendment to overcome the anticipation rejection by Fukumoto et al. It is submitted that this rejection has been overcome and notice to that effect is respectfully requested.

**CLAIM REJECTION UNDER 35 USC § 102(e)**

Applicants have amended the claims by entry of this amendment to overcome the anticipation rejection by Ward et al or Venter et al. It is submitted that this rejection has been overcome and notice to that effect is respectfully requested.

Respectfully submitted,

  
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